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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Richard FINOCCHIO
Serial No. : 10/770,892
Filing Date : Feb. 2, 2004
For : PLAYER KEY FOR AN INSTANT-WIN LOTTERY TICKET AND
METHOD FOR VALIDATING SAME

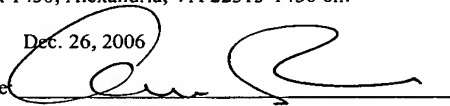
Group Art Unit: 3711
Examiner : Benjamin LAYNO
Confirmation No.: 1099

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Res. 47,893

COMMUNICATION ADDRESSING EXAMINER'S INTERVIEW SUMMARY

S I R:

This paper addresses the "Interview Summary" mailed by the Patent Office on Nov. 13, 2006. This summary stated:

The Applicant's Representative argued that in the TPI reference a winning ticket is determined by a clerk comparing a numeric code on the ticket with a numeric code listed on a separate sheet, while in the claimed invention a winning ticket is determined by the player comparing the numeric code on the game play area of the ticket with a numeric code in an area on the ticket which is separate or apart from the game play area.

Applicant respectfully submits that Examiner's characterizations of Applicant's Representative's arguments are not an accurate reflection of the specifics of the argument, in that they agglomerate comments made with respect only to individual claims and/or example embodiments into a single statement regarding "the claimed invention". Accordingly, this paper supplements the previously filed interview summary and addresses the particular arguments that were made in more detail.

Applicant did argue the codes in the TPI reference are not the claimed "player keys" because the TPI reference does not teach or suggest codes used by or usable by a player. However, while claim 16 is directed to a method where the recited player keys are used to "visually determine if the game ticket is a winning ticket", other claims do not include the same recitation. For example, Applicant's claim 1 is directed to a ticket, not a method; accordingly there is no requirement that a winning ticket actually be determined by the player. Rather, what is required is merely that a winning ticket "is determinable" using "the

player keys"; this is a property of the claimed ticket and the information it includes, not a method step. In any event, Applicant did argue that even this feature is not taught or suggested by the TPI reference because there is no teaching or suggestion in TPI that the information from the separate sheet is usable by a player for checking the game ticket; the TPI separate sheet is intended only for the use by a redemption agent. Similarly, claim 14 is directed to "a book of tickets", not a method. Claim 22, although reciting a method, is directed to a method which does not actually include the step of making the determination; rather, the recited player keys are provided on a game ticket which is offered for sale. Many of the other claims of the application also do not have the specific requirement of the player actually making the determination of a winning ticket using the player keys.

Although Applicant's representative discussed for explanation and background one example embodiment of the invention that includes player keys which are numeric codes, there is also no requirement that the recited "player key" be a "numeric code" in most of the claims. For example, there is no mention of this in claim 1. In fact, claim 11, which depends from claim 1, *expressly recites* a player key that is "non-numeric". Applicant previously argued, and still maintains, that the non-numeric code of claim 11 should be allowable over the TPI reference for at least the reason that the TPI reference did not teach or suggest such a "non-numeric code".


Applicant's representative also discussed a feature of one example embodiment where the first player key is located in the game play area and the second player key is on the ticket separate and apart from the game play area. Applicant's representative did argue that this feature is a reason to allow dependent claim 8, where the customer key area containing the second player key is expressly recited as being "separate and apart" from the game play area. However, this feature is not a requirement in many of the other claims.

Although having two matching player key symbols indicate a winning ticket is one of the example embodiments that were discussed for background and explanation, there is also no requirement in many of the claims that the first and second player keys be "compared" in order to determine a winning ticket. For example, claim 1 is silent as to exactly how the first and second player keys are usable together to allow determination of a winning ticket, merely reciting that the "combination" of the two player keys is required. The comparison of the two keys is expressly recited in dependent claim 5, and even that claim does not require that the player keys match; it is conceivable, for example, that a mis-match rather than a match could be the indicator for a winning ticket.

Respectfully submitted,

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